

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5779 of 2022

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Yogendra Manjhi, Son of Bachchan Manjhi, Resident of Village - Brahimpur
Chakarpan, Police Station - Mashrakh, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Saran at Chapra.
3. The Sub-Divisional Officer, Marhaurha, Saran at Chapra.
4. The Block Supply Officer, Masrakh, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vindhyachal Singh, Sr. Advocate
For the Respondent/s : Mr. Anisul Haque, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 03-08-2022

Heard Mr. Vindhyachal Singh, learned Senior
Advocate for the petitioner and Mr. Anisul Haque for the
State.

The petitioner is aggrieved by the inaction of the
licensing authority in keeping the reply to the notice issued to
him under Section 28 of the Control Order, 2016 unattended
and not having passed any order, which he was required to
pass within 180 days, as far as possible.

It appears from the records that because of the
petitioner having been made accused in a criminal case



involving breach of the Essential Commodities Act, 1955, his license was suspended under Section 28 of the Bihar Targeted P.D.S. (Control) Order, 2016.

Mr. Singh has contended that since the petitioner was never taken into custody and was also not untraceable, there was no good reason for the licensing authority to have exercised his powers under Section 28 of the Act.

Nonetheless, if notice was issued to the petitioner which has been responded to by him, there is no explicable reason for keeping it pending for so long, even when the targeted beneficiaries have been attached to the other licensee of the area.

Such a lethargic approach can never be countenanced.

Be that as it may, under the circumstances, we direct the licensing authority to immediately advert to the reply given by the petitioner and pass a final order on such reply within a period of sixty days, from the date of receipt/production of a copy of this order, as the reply appears to have been filed on 16.03.2021.



The order so passed by the authority shall contain reasons in support of the same.

Any breach of the timeline specified in the order would be viewed very seriously.

With the aforesaid direction/observation the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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